

SAMUEL T. TURNER, )  
)  
Petitioner, )  
)  
) No. 4:14CV718 ACL  
)  
ST. FRANCOIS COUNTY COURT, )  
)  
Respondent, )

This matter is before the Court on petitioner’s petition for writ of habeas corpus. Because it is apparent on the face of the petition that petitioner is not entitled to relief, the Court will dismiss it without further proceedings. 28 U.S.C. § 2254 Rule 4.

Petitioner is currently incarcerated at USP Springfield Medical Center on an unrelated conviction. See *United States v. Turner*, 1:09CR184 SNLJ (E.D. Mo.).

The federal habeas statute gives the United States district courts jurisdiction to entertain petitions for habeas relief only from persons who are “*in custody* in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3) (emphasis added); see also 28 U.S.C. § 2254(a). A habeas petitioner is not “‘in custody’ under a conviction when the sentence imposed for that conviction has *fully expired* at the time his petition is filed.” Maleng v. Cook,

490 U.S. 488, 491 (1989) (emphasis in original). Petitioner's state sentence is fully expired. As a result, the Court no longer has jurisdiction to hear a challenge to the sentence, and the Court will dismiss the petition without further proceedings.

Finally, petitioner has failed to demonstrate that jurists of reason would find it debatable whether he is in custody. Thus, the Court will not issue a certificate of appealability. 28 U.S.C. § 2253(c).

Accordingly,

**IT IS HEREBY ORDERED** that this action is **DISMISSED** without prejudice.

**IT IS FURTHER ORDERED** that the Court will not issue a certificate of appealability.

An Order of Dismissal will be filed separately.

Dated this 10<sup>th</sup> day of April, 2014.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE